

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALTAGRACIA PEGUERO,

Plaintiff,

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Civil Action No. 05-10995-RCL

AMERICAN EXPRESS COMPANY
and HEALTHEXTRAS, INC.,

Defendants.

DEFENDANT HEALTHEXTRAS, INC.'S MOTION FOR PROTECTIVE ORDER
(Hearing Requested)

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, defendant HealthExtras, Inc. (“HealthExtras”) respectfully moves for a protective order limiting the scope of discovery sought from it by the plaintiff, Altagracia Peguero (“Ms. Peguero”). Many of the discovery requests that Ms. Peguero has served on HealthExtras are grossly overbroad and seek information that is irrelevant to any claim or defense in this action. The grounds for HealthExtras’ motion are set forth in its accompanying memorandum of law.

Request for Hearing

Pursuant to Local Rule 7.1(D), HealthExtras submits that oral argument of this motion may be of assistance to the court, and respectfully requests a hearing.

HEALTH EXTRAS, INC.

By its attorney,

/s/ Donald R. Pinto, Jr.
Donald R. Pinto, Jr., BBO No. 548421
RACKEMANN, SAWYER & BREWSTER
One Financial Center
Boston, Massachusetts 02111
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CERTIFICATE UNDER LOCAL RULES 7.1(A)(2) and 37.1

I hereby certify that I have conferred in good faith in an attempt to resolve or narrow the issues presented by this motion. This conference took place between the undersigned, as counsel for defendant HealthExtras, Inc., and Kevin Donius, Esq., as counsel for the plaintiff, Altagracia Peguero. The conference took place on September 14, 2006 at approximately 11:40 a.m. at the offices of Rosenblum Newfield, LLC in Stamford, Connecticut and lasted for 6-8 minutes. Attorney Donius and I were unable to resolve the issues about which we conferred. Those issues remain for resolution by the court and are set forth in this motion and in HealthExtras' accompanying memorandum of law.

/s/ Donald R. Pinto, Jr.

Donald R. Pinto, Jr.

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this date.

/s/ Donald R. Pinto, Jr.

Donald R. Pinto, Jr.

Dated: October 5, 2006